

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

MIKMAR, INC. and MICHAEL'S INC. DBA  
LAMALFA CENTRE AND VINE  
BEVERAGE AND CATERERS,

Plaintiffs,

v.

WESTFIELD INSURANCE COMPANY,

Defendant.

Case No.: 1:20-cv-01313-JG

**DEFENDANT WESTFIELD INSURANCE  
COMPANY'S MOTION (I) TO DISMISS  
THE CLASS ACTION COMPLAINT; AND  
(II) ALTERNATIVELY, TO STRIKE THE  
CLASS ALLEGATIONS**

ORAL ARGUMENT REQUESTED

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 23(d)(1)(D), Defendant Westfield Insurance Company respectfully moves this Court (i) to dismiss Plaintiffs' Class Action Complaint against Westfield for failure to state a claim upon which relief can be granted; or (ii) in the alternative, to strike Plaintiffs' class allegations. The grounds for this Motion are more fully set forth in the supporting brief, which Westfield attaches to the Motion and incorporates by reference. Oral argument is requested.

Respectfully submitted,

**FOX ROTHSCHILD LLP**

Dated: June 19, 2020

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